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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/936,873	09/18/2001	Ulf Bertil Andersson	ULFIA-1	9464

7590 02/27/2003
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PO Box 4026
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EXAMINER

JONES, JUDSON

ART UNIT	PAPER NUMBER
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2834

DATE MAILED: 02/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/936,873

Applicant(s)

ANDERSSON, ULF BERTIL

Examiner

Judson H Jones

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 5-7 is/are rejected.
- 7) ☒ Claim(s) 8 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

Drawings

The drawings are objected to because the word "horizontal" is misspelled several times in figures 4-7. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 7 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase "said primary control unit" in line 1 of claim 7 lacks antecedent basis. The primary control unit appears in claim 6, not in claim 5. Claim 7 only depends on claim 5.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Maurer et al. WO 98/50171 in view of Bald 6,105,685 A. Maurer et al. discloses a vibration device having first and second force cells having rotating eccentrics 1 with separate drives 10 as shown in figures 1 and 2 but does not disclose angle sensors. Bald teaches in column 4 lines 34-40 that motors are not loaded equally in multiple motor vibration devices and teaches a solution of more precise

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control of the motors and eccentrics to equalize loading. In column 9 lines 48-65 Bald discloses a measuring device for measuring the relative setting angle of the motor eccentrics as described in column 8 lines 36-54. Also see Bald column 3 lines 6-26, particularly lines 8-11. While Bald teaches that the system of German patent 41 16 647, which discloses individual measurement of the angle of each unbalance element and the individual control of each angle, is of enormously high complexity, it would have been obvious at the time the invention was made for one of ordinary skill in the art to have realized that the enormous complexity of a control system provides enormous control possibilities. Maurer et al. is concerned with directing vibrations to where the vibrations are most effective and uses two motors to cancel unwanted centrifugal force components as described in column 1 lines 16-21. More control over the motors leads to better cancellation of unwanted forces. Since Bald and Maurer et al. are both from the same field of endeavor, it would have been obvious at the time the invention was made for one of ordinary skill in the art to have utilized angle sensors for each eccentric in order to equalize the load on the motors of a multi-motor vibration device and thereby extend the useful life of the device.

Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maurer et al. as modified by Bald as applied to claim 5 and further in view of Anderl et al. 5,355,732 A. Maurer et al. as modified by Bald discloses the vibration device but does not disclose first and second control and monitoring devices and a primary control unit. In column 9 lines 48-51 Bald states, "The configuration according to FIG. 1 does not show all the components which otherwise belong to the complete adjusting device and which those skilled in the art can readily imagine." Anderl et al. discloses a more complete adjusting system in figure 2 where K1 and K2 are control and monitoring devices and where 2 is a primary control unit as described in column

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2 lines 33-46. As described in column 3 lines 40-45, controller 2 sets the angle of the eccentric, duration of vibration and adjustment time. Since Maurer et al. as modified by Bald does not disclose details on the control of the device, it would have been obvious at the time the invention was made for one of ordinary skill in the art to have utilized the control system of Anderl et al. in order to make the device function properly.

In regard to claim 7, see Anderl et al. column 1 lines 14-19. The “control signals indicative of parameters for a specific force vector diagram” are viewed to be the product specific requirements.

Allowable Subject Matter

Claim 8 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The prior art of record does not disclose or teach first and second rotating eccentrics which define a common geometrical axis of rotation and which have a mass center whose axis of rotation corresponds to the common geometrical axis of rotation in combination with the features of claim 5. Haker et al. (cited by Applicant) discloses first and second rotating eccentrics which define a common geometrical axis of rotation but no reason has been found for combining the layout of Haker et al. with Maurer et al., Bald or Anderl et al.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. DE 4407013 A1 which was cited by Bald in column 9 line 65 is enclosed.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Judson H Jones whose telephone number is 703-308-0115. The examiner can normally be reached on 8-4:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor Ramirez can be reached on 703-308-1371. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3431 for regular communications and 703-305-3432 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

JHJ

JHJ
February 18, 2003

Nestor Ramirez
NESTOR RAMIREZ
SUPERVISOR
FEB 19 2003